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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

**11** OPI PRODUCTS INC, a California corporation,

CASE No. CV10-2310 DSF (MANx)

**Plaintiff.**

## **FINAL JUDGMENT AND PERMANENT INJUNCTION**

V.

14 TRANS DESIGN, INC., a Georgia  
15 corporation, NGU TRAN, an  
16 individual, and DOES 1 through 10,  
inclusive.

Defendant.

Based upon the Application for Default Judgment submitted by Plaintiff OPI Products, Inc. (“OPI”) the Court enters this Final Judgment and Permanent Injunction.

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The following definitions are used in the Judgment:

## The OPI Trademarks

- (1) The word OPI (USPTO Registration No. 2,300,077, with a first use in commerce date of 1981)
- (2) The bottle design (spherical bottle with rounded sides and cylindrical cap) (USPTO Registration No. 3,569,558 , with a first use in commerce date of January 1, 1992)
- (3) The words OPI NAIL LACQUER (USPTO Registration No. 3,037,202, with a first use in commerce date of 1989)
- (4) The word OPI in stylized form within a shaded rectangle with a dot between the O and the P and between the P and the I (USPTO Registration No. 1,813,313, with a first use in commerce date of September 1, 1991)
- (5) The word O-P-I in Class 41 for educational services in the field of nail care (USPTO Registration No. 3,164,420, with a first use in commerce date of 1981)

## The OPI Copyrights

	<b>Full Title</b>	<b>Copyright Number</b>	<b>Date</b>
24	Consumer site classic	VA0001173230	2002
25	I'm not really a waitress	TXu001295262	2005
26	Las Vegas collection	VA0001207080	2003

1	OPI Designer Series Collection	VA0001684003	2009
2	OPI France Collection	VA0001684001	2009
3	OPI India Collection	VA0001683998	2009
4	OPI professional site –	VA0001205188	2003
5	Las Vegas collection		
6	OPI South Beach Collection	VA0001684004	2009
7	Professional site classic	VA0001223858	2002
8	Professional site collection	VA0001208442	2002
9	OPI Designer Series Collection	VA0001696899	2009
10	OPI France Collection	VA0001696893	2009
11	OPI India Collection	VA0001696894	2009
12	OPI biz.oopi.com images	VA0001685382	2009
13	OPI Spain Collection	VA0001705157	2010
14	OPI Hong Kong Collection with	VA0001704440	2010
15	Models		
16	OPI Spain Collection with Displays	VA0001703817	2010
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18           IT IS ADJUDICATED that :

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20           1.       Defendant Trans Design Inc. and Ngu Tran (“collectively “Trans Design”)  
21 and its owners, officers, agents, servants, employees, attorneys, suppliers, distributors,  
22 those who provide marketing, promotional, distribution, and selling services for Trans  
23 Design through its Internet website, www.transdesign.com or otherwise, and all those  
24 in active concert or participation with any of them, are permanently restrained and  
25 enjoined from:

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27           a.       Using on its Internet website, www.transdesign.com,  
28                   or using on any other website operated by, controlled by, or

1 affiliated with Trans Design (including without limitation,  
2 eBay.com, Amazon.com or similar third party website)  
3 anywhere in the world any reproduction, copy, or work  
4 derivative of the OPI Copyrights anywhere in the world so  
5 long as any of the OPI Copyrights are being used by OPI or  
6 any successor in interest;

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8 b. Using on its Internet website, www.transdesign.com,  
9 or using on any other website operated by, controlled by, or  
10 affiliated with Trans Design (including without limitation,  
11 eBay.com, Amazon.com or similar third party website)  
12 anywhere in the world any reproduction, counterfeit, copy,  
13 or colorable imitation of the OPI Trademarks that could  
14 cause a likelihood of confusion with OPI or suggest the  
15 sponsorship or endorsement of OPI, for so long as any of the  
16 OPI Trademarks are being used by OPI or any successor-in-  
17 interest, alone or in connection with any other word, symbol  
18 or alphanumeric characters, in connection with the sale,  
19 offering for sale, distribution, or advertising of any goods or  
20 services;

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22 c. Using on an Internet website such as,  
23 www.transdesign.com, or any other website operated by,  
24 controlled by or affiliated with Trans Design (including  
25 without limitation, eBay.com, Amazon.com or similar third  
26 party website) anywhere in the world any false designation  
27 of origin or false representation of any OPI products, OPI

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Trademarks, or otherwise for so long as the OPI Trademarks are being used by OPI or any successor-in-interest;

d. Using any advertisement, label, package, sign, written solicitation, printed material, electronic media, television broadcast or video broadcast that shows, uses, or incorporates any copy, reproduction, or work derivative of the OPI Copyrights anywhere in the world so long as any of the OPI Copyrights are being used by OPI or any successor in interest;

e. Using any advertisement, label, package, sign, written solicitation, printed material, electronic media, television broadcast or video broadcast that shows, uses, or incorporates any counterfeit, copy, reproduction, or colorable imitation of the OPI Trademarks that could cause a likelihood of confusion with OPI or suggest the sponsorship or endorsement of OPI, anywhere in the world so long as any of the OPI Trademarks are being used by OPI or any successor in interest;

f. Acquiring, purchasing, receiving, storing, advertising, selling or transferring counterfeit, decoded, or substandard OPI Products anywhere in the world; and

g. Soliciting, assisting, aiding, or abetting any other person or business entity in engaging in or performing any of

1                   the activities referred to in the above Sub-Paragraphs 1 (a),  
2                   1(b), 1(c), 1 (d), 1(e), and 1(f).

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4                   2. This judgment does not enjoin the use of Trans Design created or  
5                   commissioned images of OPI products in conjunction with the sale of OPI products that  
6                   are not counterfeit, decoded, or substandard.

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8                   3. The Court shall retain jurisdiction to enforce the terms of the Permanent  
9                   Injunction in this matter.

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11                  4. All remaining claims between the parties are dismissed with prejudice.

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13                  5. Final judgment is hereby entered, with no award of monetary damages,  
14                  and with each party responsible for its own costs and attorney fees.

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16                  Dated: 1/28/11



17                  Honorable Dale S. Fischer  
18                  United States District Judge

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